

# SENATE MOTION

MR. PRESIDENT:

**I move** that Engrossed House Bill 1509 be amended to read as follows:

- 1 Page 5, between lines 6 and 7, begin a new paragraph and insert:
- 2 "SECTION 9. IC 36-1-12.5-3 IS AMENDED TO READ AS
- 3 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 3. (a) As used in this
- 4 chapter, "qualified provider" means **the following:**
- 5 (1) **Before July 1, 1999, the term means a person that satisfies**
- 6 **both of the following:**
- 7 (1) (A) **The person** is experienced in the design,
- 8 implementation, and installation of energy conservation
- 9 measures. ~~and~~
- 10 (2) (B) **The person** submits to the school corporation or
- 11 political subdivision a performance bond to ensure the
- 12 qualified provider's faithful performance of the qualified
- 13 provider's obligations over the term of the guaranteed energy
- 14 savings contract.
- 15 (2) **After June 30, 1999, the term means a person that satisfies**
- 16 **all of the following:**
- 17 (A) **The person is experienced in the design,**
- 18 **implementation, and installation of energy conservation**
- 19 **measures.**
- 20 (B) **The person is certified and meets the requirements of**
- 21 **IC 4-13.6-4.**
- 22 (C) **The person provides energy conservation engineering**
- 23 **services by a professional engineer licensed under IC 25-31**
- 24 **who is under the person's direct employment and**
- 25 **supervision.**
- 26 (D) **The person provides facilities service personnel and**
- 27 **conservation engineering services under the person's direct**
- 28 **employment and supervision for the duration of the**
- 29 **contract.**
- 30 (E) **The person performs at least twenty percent (20%) of**
- 31 **the work (measured in dollars of the total contract price)**
- 32 **with its own workforce.**
- 33 (F) **The person submits to the school corporation or**

1 political subdivision a performance bond to ensure the  
 2 qualified provider's faithful performance of the qualified  
 3 provider's obligations over the term of the guaranteed  
 4 energy savings contract.

5 (b) For purposes of a guaranteed energy savings contract  
 6 entered into before July 1, 1999, a person who was a qualified  
 7 provider under subsection (a)(1) at the time the contract was  
 8 entered into remains a qualified provider for that contract after  
 9 June 30, 1999. If the person enters into a guaranteed energy  
 10 savings contract after June 30, 1999, the person must satisfy the  
 11 requirements of subsection (a)(2) to be considered a qualified  
 12 provider.

13 SECTION 10. IC 36-1-12.5-5.3 IS ADDED TO THE INDIANA  
 14 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 15 [EFFECTIVE JULY 1, 1999]: **Sec. 5.3. (a) This section applies only**  
 16 **to a guaranteed energy savings contract entered into after June 30,**  
 17 **1999.**

18 (b) A qualified provider may enter into a subcontract:

19 (1) with a value of more than one hundred thousand dollars  
 20 (\$100,000); and

21 (2) for the performance of any part of a guaranteed energy  
 22 savings contract;

23 **only if the subcontractor is certified under IC 4-13.6-4-4."**

24 Renumber all SECTIONS consecutively.

(Reference is to EHB 1509 as printed March 12, 1999.)

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Senator MEEKS R